

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA**

MARTHA ADAMS, et al.

Plaintiffs,

ALBANY INTERNATIONAL, et al.

Defendants.

**CIVIL ACTION NO.
2:07CV 01064-2K2-TFM**

**MOTION TO DISMISS AND/OR FOR MORE DEFINITE STATEMENT AND/OR
NOTICE OF "TAG-ALONG ACTION"**

COMES NOW the defendant the undersigned on behalf of the defendants identified in the Complaint as Koppers Industries and Theim Corporation, successor by merger to Universal Refractories Corp., and pursuant to Rules 12(b)(3), (6) and/or 12(e) of the Federal Rules of Civil Procedure, move the Court to enter an order dismissing the Complaint against them and/or in the alternative, to enter an order directing the plaintiffs to replead the vague and ambiguous allegations asserted against them in the complaint in a manner that complies with Rule 8(a) of the Federal Rules of Civil Procedure. In support of this motion, the defendants show unto the Court as follows:

1. The Complaint fails to state a claim upon which relief may be granted.
2. The Complaint is barred by the applicable statute of limitations.
3. The Complaint is barred by res judicata and/or collateral estoppel principles.
4. Venue is improper in this Court.
5. Plaintiffs' claims do not include common questions of law or fact and their joinder

together is improper.

6. Upon information and belief, this case should be transferred to the United States District Court, Eastern District of Pennsylvania, for coordinated or consolidated pre-trial

proceedings pursuant to 28 U.S.C. §1407 as a "tag-along action" pursuant to the order entered on July 29, 1999, by the Judicial Panel on Multi-District Litigation.

7. The Complaint fails to meet the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure inasmuch as the Complaint is devoid of any specific allegations of wrongdoing levied against these defendants at any specific point in time. Accordingly, the Complaint as presently pled, is so vague and ambiguous that the defendant "cannot reasonably be required to frame a responsive pleading." Rule 12(e) of the Federal Rules of Civil Procedure.

WHEREFORE, PREMISES CONSIDERED, the defendants move the Court to enter an order dismissing the Complaint against them and/or alternatively to enter an order directing the plaintiffs to replead the Complaint with specific factual allegations which would put the defendants on notice of the wrongdoing alleged against them. Additionally, the defendants request the Court to take judicial notice that this case is subject to transfer pursuant to 28 U.S.C. § 1407.

s/Allan R. Wheeler
C. PAUL CAVENDER (ASB8784-E67C)
ALLAN R. WHEELER (ASB4726-R49A)
Attorney for Defendants identified as
Koppers Industries and
Theim Corporation

BURR & FORMAN LLP
420 North 20th Street, Suite 3400
Birmingham, Alabama 35203
Telephone: 205-251-3000
Facsimile: 205-458-5100

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or, if the party served does not participate in Notice of Electronic Filing, by U.S. First Class Mail, hand delivery, fax or email on this the 9th day of January 2008:

/s/Allan R. Wheeler

Allan R. Wheeler
OF COUNSEL